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2 of 7

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PAGE 01 BUENOS 08921 01 OF 02 010803Z
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E.O. 12065 XDS-4 10-29-99 (AMOTT, JOHN C) OR-M
TAGS SHUM, AR, PEPR
SUBJECT (S) SHORT TERM STRATEGY PAPER

REF: BUENOS AIRES 8260

1. (S-ENTIRE TEXT)

2. IN THE REFERENCE CABLE WE REVIEWED RECENT HUMAN RIGHTS DEVELOPMENTS HERE AND SET FORTH WHAT WE VIEWED AS THE TRENDS. IN THIS CABLE WE SET FORTH THE LIKELY POLITICAL AND ECONOMIC CONTEXT AND OFFER PROPOSALS FOR USG POSTURE AND ACTION TO PROMOTE POSITIVE EVOLUTION OF HUMAN RIGHTS PROTECTION HERE.

3. THE SETTING -----
TO BE EFFECTIVE, OUR STRATEGY MUST TAKE INTO ACCOUNT POLITICAL AND ECONOMIC DYNAMICS OF ARGENTINA.

4. CERTAIN EXISTING ELEMENTS IN THE POLITICAL EVOLUTION HERE SEEM RATHER FIXED, AT LEAST OVER THE NEXT TWO YEARS:
A. THE ARGENTINE MILITARY WILL REMAIN IN CONTROL OF THE GOVERNMENT;
B. PROGRESS TOWARD THE EVENTUAL DEVOLUTION OF POLITICAL POWER TO CIVILIANS WILL SLOW AND OBEY NO FIXED TIMETABLE;

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PAGE 02 BUENOS 08921 01 OF 02 010803Z

C. TERRORISTS WILL RETAIN A CAPACITY FOR CONDUCTING AT LEAST OCCASIONAL AND SPECTACULAR ACTS OF VIOLENCE;
D. INFLATION AND PAINFUL GOVERNMENT PROGRAMS TO DEAL WITH IT WILL KEEP SUBSTANTIAL ELEMENTS OF THE POPULATION

Department of State, A/GIS/IPS/SRP

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2 of 7

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3 of 7

UNHAPPY WITH THE GOA;

~~E. THE TERMS OF THE AMNESTY FOR PROTECTION FOR THOSE WHO ORDERED AND ENGAGED IN GROSS HUMAN RIGHTS VIOLATIONS WILL BE A CENTRA POLITICAL ISSUE: THE CIVILIAN POLITICIANS WILL ATTEMPT TO BARTER THEIR APPROVAL OF AN AMNESTY FOR THE MILITARY'S COMMITMENT TO WITHDRAW TO THE BARRACKS OVER A SHORTER TIMFRAME.~~

5. WITHIN THIS SETTING THERE ARE A NUMBER OF IMPORTANT AND RELATED VARIABLES:

- A. THE NATURE OF THETARY LEADERSHIP OVER THE NEXT TWO YEARS. OPPOSING THE LEADERSHIP OF PRESIDENT VIDELA AND ARMY COMMANDER VIOLA ARE THE SO-CALLED HARDLINERS. THESE MEN, SHOULD THEY MANAGE TO IMPOSE THEIR VIEWS ON THE MILITARY COULD LEAD THE COUNTRY BACK TOWARD THE KIND OF WIDESPREAD HUMAN RIGHTS VIOLATIONS THAT MARKED THE YEARS 1976-1978.
- B. PROGRESS TOWARDS THE RULE OF LAW. THE RULE OF LAW HAS AT BEST IN ARGENTINA BEEN ROOTED IN THIN SOIL AND MUCH REMAINS TO BE DONE. BUT THERE HAVE BEEN SIGNIFICANT STEPS IN THAT DIRECTION AND MORE MIGHT FOLLOW, IF THE LEADERSHIP CHOOSES.
- C. THE LEVEL OF TERRORIST VIOLENCE. IF THE MONTONEROS OPT FOR AND MOUNT A SUSTAINED AND EFFECTIVE CAMPAIGN OF TERROR, POLITICAL EVOLUTION WILL BE HALTED AND PROBABLY EVEN REVERSED.
- D. THE ECONOMIC SITUATION. IF HYPER-INFLATION COMBINES WITH PAINFUL BUT INEFFECTIVE MEASURES TO CONTROL IT, THE LEADERSHIP OF VIDELA AND VIOLA WILL SUFFER SERIOUS EROSION,

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PAGE 03 BUENOS 08921 01 OF 02 010803Z

AS ENTREPRENEURS AND LABOR ARE INCREASINGLY ALIENATED. SERIOUS LABOR UNREST COULD LEAD TO THE IMPOSITION OF NEW MEASURES OF REPRESSION.

- E. THE DISAPPEARED. THE MASSIVE NUMBER OF PEOPLE WHO DISAPPEARED IN 1976-1978 ARE GENERALL THOUGHT TO BE DEAD AT THE HANDS OF THE SECURITY FORCES, EVEN BY HUMAN RIGHTS ACTIVISTS OTHER THAN THOSE WHO HAVE RELATIVES AMONG THE MISSING. WHAT HAS HITHERTO BEEN A HUMANATARIAN ISSUE-TO HALT FURTHER DISAPPEARANCES AND SAVE ANY DISAPPEARED WHO MIGHT STILL BE ALIVE-MAY EVOLVE INTO A SENSITIVE POLITICAL ISSUE: ACCOUNTABILITY-WHO KILLED THEM? IF SO, PROGRESS TOWARDS NORMALIZATION COULD BE SERIOUSLY IMPEDED.
- F. ARGENTINA'S FOREIGN POLICY ORIENTATION. THE DOMINANT IDEOLOGY WITHIN THE GOA IDENTIFIES ARGENTINA WITH THE WEST AND IS COMMITTED TO THE PROPOSITION THAT THE

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3 of 7

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4 of 7

NATION'S BEST INTERESTS ARE SERVED BY STRENGTHENING TIES WITH WESTERN NATIONS IN GENERAL AND THE UNITED STATES IN PARTICULAR. THE ARNE MILITARY FEARS ISOLATION. THUS WHEN FOREIGN MINISTER PASTOR BEGS THE UNITED STATES TO TREAT ARGENTINA AS AN ALLY, HE IS SPEAKING FROM THE HEART. THIS CONSENSUS IS WEAKENING AND COULD GIVE WAY. ARGENTINA'S HISTORIC ORIENTATION IS ONE OF OBSESSED NATIONALISM, WITH FREQUENT ANTI-US OVERTONES. EVEN TODAY THERE ARE GROWING AND INFLUENTIAL VOICES THAT ARGUE THAT ARGENTINA'S MAJOR FOREIGN POLICY ISSUES-THE BEAGLE CHANNEL, THE MALVINAS, THE TROUBLESOME MEDDLING OF FOREIGNERS IN THE HUMAN RIGHTS QUESTION-COULD BE BETTER ADVANCED BY FINDING FRIENDS IN THE THIRD WORLD OR EVEN EASTERN EUROPE.

6. US HUMAN RIGHTS GOALS -----

US HUMAN RIGHTS OBJECTIVES OVER THE NEXT TWO YEARS INCLUDE:

- A. THE ELIMINATION OF DISAPPEARANCES, TORTURE AND SUMMARY EXECUTION;
- B. FURTHER PROGRESS TOWARDS THE RULE OF LAW. IMPORTANT STEPS WOULD BE THE CLEAR ESTABLISHMENT OF THE INDEPENDENCE

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PAGE 04 BUENOS 08921 01 OF 02 010803Z

AND AUTHORITY OF THE COURTS AND THE MEANINGFUL APPLICATION BY THE COURTS OF HABEAS CORPUS PETITIONS;
C. FURTHER IMPROVEMENT IN PRISON CONDITIONS. THE FULL APPLICATION OF THE PRESIDENT'S 1979 DECREE ON PRISON CONDITIONS INCLUDING PARTICULARLY GIVING THE PRISONERS

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PAGE 01 BUENOS 08921 02 OF 02 011242Z
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4 of 7

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5 of 7

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~~SECRET~~ SECTION 2 OF 2 BUENOS AIRES 8921

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ADEQUATE RECREATION OPPORTUNITIES WOULD BE AN IMPORTANT SIGN. GREATER LIBERTY IN THE PRISONERS' RIGHT TO COMMUNICATE WITH THEIR FAMILIES WOULD ALSO BE IMPORTANT PROGRESS;

D. A REDUCTION IN THE NUMBER OF PEN DETAINEES THROUGH RELEASE OR SPEEDY AND FAIR TRIALS. THE GOA HAS STATED THAT SOME DETAINEES WILL BE HELD UNDER PEN EITHER BECAUSE THERE IS NOT ENOUGH EVIDENCE TO CONVICT THEM, DESPITE THEIR CLEARLY ESTABLISHED LINKS WITH TERRORISM OR BECAUSE THEY ARE TERRORISTS WHO WERE BENEFICIARIES OF THE CAMPORA AMNESTY AND CANNOT AGAIN BE JAILED FOR THE CRIMES THEY COMMITTED BEFORE THAT AMNESTY. BUT THERE ARE SUBSTANTIAL NUMBERS OF PEN DETAINEES WHO HAD NO OR LITTLE CONNECTION TO SUBVERSION OR TERRORISM. THE GOVERNMENT'S WILLINGNESS TO LIVE UP TO ITS COMMITMENT TO LET SUCH PEOPLE STAND TRIAL OR RELEASE THEM IS AN IMPORTANT MEASURE OF ITS SERIOUSNESS WHEN IT STATES IT WANTS TO RETURN TO THE RULE OF LAW;

E. TO END THE PRACTICE OF HOLDING UNACKNOWLEDGED DETAINEES;

F. AN IMPROVED SITUATION FOR BASKET III HUMAN RIGHTS ISSUES. WE DO NOT THINK IT LIKELY THAT THE GOA WILL COMMIT ITSELF TO A FIXED TIMETABLE FOR THE FULL RESORTATION OF POLITICAL RIGHTS. THE OPT-TRUMPETED POLITICAL PROGRAM IF AND WHEN IT DOES EMERGE WILL NOT BE A TIMETABLE

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PAGE 02 BUENOS 08921 02 OF 02 011242Z

SO MUCH AS A STATEMENT OF DESIRABLE GOALS, ACCORDING TO OUR LATEST UNDERSTANDING. BUT THERE CAN BE A SLOW EVOLUTION TOWARDS A MORE OPEN POLITICAL SYSTEM, INCLUDING INCREASING LEVELS OF ACTIVITY BY POLITICAL PARTIES, GREATER PRESS FREEDOM, INCREASED LABOR FREEDOM, AND INCREASED PARTICIPATION BY CIVILIANS IN THE POLITICAL PROCESS, AS BARGAINING BETWEEN CIVILIANS AND THE MILITARY OVER THE FUTURE OF ARGENTINA GETS UNDER WAY. INDEED, THERE HAVE BEEN STEPS IN ALL THESE AREAS RECENTLY. WILL WANT TO MONITOR THE PROGRESS OF THE BASKET III ISSUE CLOSELY.

7. SANCTIONS AND INCENTIVES -----

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5 of 7

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6 of 7

GIVEN THE RECORD WE CONFRONTED, USE POLICY TOWARDS ARGENTINA ON HUMAN RIGHTS ISSUES HAS DIRECTED ITSELF PRIMARILY TOWARDS DISASSOCIATING OURSELVES FROM THE GOA AND IMPOSING SANCTIONS UPON IT. HOWEVER, OUR HUMAN RIGHTS POLICY INCLUDES THE APPROPRIATE USE OF INDUCEMENT AND TAKES INTO ACCOUNT LONGER TERM TRENDS. WE BELIEVE THAT IT IS IMPORTANT THAT OUR POSTURE TOWARDS ARGENTINA NOW TAKE INTO ACCOUNT THE IMPORTANT, IF TOO LIMITED, QUALITATIVE AND QUANTITATIVE IMPROVEMENTS WE HAVE RECORDED IN REFTEL.

8. FAIRLURE TO MAKE THIS LINKAGE RUNS TWO SERIOUS AND CLOSELY RELATED RISKS:

A. FIRST, THAT WE CAN CONTRIBUTE TO THE DESTABILIZATION OF THE PRESENT LEADERSHIP, WHICH FOR ALL ITS FAULTS, IS MODERATE COMPARED WITH GROUPS THAT MIGHT SUCCEED IT IN THE NEAR FUTURE. THE RECENT RELEASE OF TIMERMAN FOLLOWED QUICKLY BY GENERAL MENENDEZ'S INSURRECTION DEMONSTRATED HOW WHAT WE REGARD AS IMPROVEMENT ON THE HUMAN RIGHTS FRONT CAN PROVOKE AN ARMED RESPONSE. THERE

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PAGE 03 BUENOS 08921 02 OF 02 011242Z

IS NO GUARANTEE THAT AN ATTEMPT ROOTED IN THIS CAUSE WOULD BE UNSUCCESSFUL. ACCORDINGLY WE MUST BE MODEST IN OUR EXPECTATIONS, AT LEAST AS TO THE PACE OF CHANGE HERE.

B. SECOND, THAT THE ARGENTINE LEADERSHIP WILL CEASE TO LISTEN TO OUR VOICE. IF THE GOA AND ITS PUBLIC-BECOMES CONVINCED THAT THE USG IS UNWILLING OR UNABLE TO ACKNOWLEDGE WHAT IS REGARDED HERE AS IMPORTANT PROGRESS ON THE HUMAN RIGHTS FRONT, OUR CRITICISM LOSES MUCH OF ITS FORCE IN GOA DECISION-MAKING.

9. THESE DANGERS HAVE ALWAYS BEEN WITH US. BUT WE BELIEVE IN RECENT MONTHS WE HAVE COME TO THE POINT WHERE THEY ARE TRANSFORMED FROM POTENTIAL RISKS TO ACTUAL COSTS IN OUR POLICY. THAT, WE ARE AT A POINT WHERE USG OPINIONS AND STATEMENTS BEGIN TO LOSE THEIR WEIGHT HERE, NOT ONLY ON HUMAN RIGHTS QUESTIONS BUT ALSO ON OTHER MATTERS DIRECTLY AFFECTING OUR INTERESTS.

10. WHAT TO DO -----

WE DO NOT FORESEE ANY LIKELIHOOD THAT ARGENTINE HUMAN RIGHTS PERFORMANCE WILL EVOLVE TO THE POINT WHERE WE WILL WANT TO CONSIDER GIVING THE GOA "PREFERENTIAL TREATMENT", AS OUTLINED IN PRESIDENTIAL DIRECTIVE

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6 of 7

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7 of 7

NUMBER 30. IN FACT, THE COMBINATION OF HUMPHREY-KENNEDY
~~AND THE SCANT POSSIBILITY THAT THERE WILL BE DRAMATIC IMPROVEMENT~~
ON THE HUMAN RIGHTS FRONT MAKES IT UNLIKELY THAT WE WILL
HAVE AVAILABLE SUCH TOOLS AS MILITARY ASSISTANCE AND
GRANTS OVER THE NEXT TWO YEARS, AT LEAST.

11. BUT AS THE REFTTEL NOTED, OUR PUBLIC DIPLOMACY-
STATEMENTS AND GESTURES-HAS BEEN FAR MORE IMPORTANT
THAN OUR GRANTING OR WITHHOLDING OF MATERIAL IN FAVORS IN
INFLUENCING ARGENTINE HUMAN RIGHTS PERFORMANCE. IT IS
IN THIS AREA WE CAN AND SHOULD FINE TUNE OUR PUBLIC
STATEMENTS AND GESTURES TO TAKE INTO ACCOUNT ARGENTINE

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PAGE 04 BUENOS 08921 02 OF 02 011242Z

PROGRESS TO DATE AND TO ENCOURAGE FURTHER POSITIVE
EVOLUTION. OF COURSE, SHOULD THERE BE BACKSLIDING HERE
WE SHOULD ALSO RESPOND APPROPRIATELY WITH THE SAME PUBLIC
INSTRUMENTS. WE RECOMMEND THE FOLLOWING STEPS:

- A. OUR PUBLIC STATEMENT SHOULD HIGHLIGHT PROGRESS;
 - B. WHILE MAKING CLEAR THE AREAS IN WHICH WE WANT TO
SEE FURTHER IMPROVEMENT, WE SHOULD RECOGNIZE WE CANNOT
CHANGE THE PAST AND CEASE REMONSTRATING ABOUT IT;
 - C. WE SHOULD ADJUST OUR POSITION IN MULTILATERAL FORA;
THIS INCLUDES THE STATEMENTS WE MAY CHOOSE TO MAKE IN
VOTING AT THE IFI'S;
 - D. INsofar AS NEW TERRORIST INCIDENTS TAKE PLACE, WE
SHOULD BE UNSTINTING, AND FIRST, IN OUR CONDEMNATION;
 - E. WE SHOULD AVOID ENTANGLING OURSELVES IN THE ARGENTINE
DEBATE ABOUT AN AMNESTY FOR THOSE WHO EN IN GROSS
HUMAN RIGHTS VIOLATIONS;
 - F. WE SHOULD BROADEN THE NUMBER AND FREQUENCY OF MEDIUM
AND HIGH LEVEL VISITS BY US CIVILIAN AND MILITARY
OFFICIALS.
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7 of 7

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1 of 7

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1 of 7